

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARGARET DORAN,

Plaintiff,

-against-

PROSKAUER ROSE, LLP, *et al.*,

Defendants.

ORDER

14-CV-1672 (CS)

Seibel, J.

At a conference on August 1, 2014, the Court discussed the deficiencies in Plaintiff's Complaint, asked Defendants' counsel to once more explain the calculations and other issues that Plaintiff questions, and afforded Plaintiff the opportunity to file an Amended Complaint by August 25, 2014, if she so chose. Defendants' counsel, by letter dated August 14, 2014, sent Plaintiff the requested explanation. I have since received four documents from Plaintiff:

1. A letter with attachments dated August 22, 2014, and addressed to Defendants' counsel, (Doc. 26);
2. A ten-page fax dated August 26, 2014, addressed to "Judges Chambers" and faxed to the chambers of Judge Briccetti, who forwarded it to me, (Doc. 31);
3. A nine-page fax dated August 26, 2014, addressed to "Judges Chambers" and faxed to the chambers of Judge Briccetti, who forwarded it to me, (Doc. 27); and
4. A two-page letter with attachments dated August 26, 2014, addressed to Judge Briccetti, who forwarded it to me, (Doc. 30).

As best I can tell, Plaintiff is under the impression that the first item listed above -- the August 22, 2014 letter to Defendants' counsel -- constitutes an Amended Complaint. It does not.

Plaintiff is directed to consult the *Pro Se* Manual on the Court's web site to refresh herself as to what information must be included in a Complaint. The Amended Complaint will completely replace (not supplement) the original Complaint, so anything Plaintiff wants the Court to consider should be included in the Amended Complaint. If Plaintiff chooses not to file an Amended Complaint, the Court will rule on the sufficiency of the original Complaint. I will extend Plaintiff's time to file an Amended Complaint to September 16, 2014.

Plaintiff is reminded of her obligations to, among other things, specify the statute or other provision of law that she believes entitles her to relief as against each Defendant, and state the facts that support her belief that she is entitled to relief. If a statute permits a suit against Plan administrators only, no other defendants may be named in that claim. Further, as I explained to Plaintiff at the August 1 conference, a federal lawsuit is not a vehicle for simply asking questions; rather, the Plaintiff must provide sufficient factual information to plausibly suggest she is entitled to the relief sought. *See Ashcroft v. Iqbal*, 556 U.S. 662, 677-80 (2009). Thus, if Plaintiff believes she has not received everything from her ex-husband's union Severance Fund or Pension Fund to which she was entitled, she must specify how the payment she received was short and what makes her think she is entitled to more at this time.

Plaintiff is further instructed to cease contacting Judge Briccetti about this case. Judge Briccetti has transferred it to the undersigned. Moreover, there is no need for Judge Briccetti to clarify his March 19, 2014 Order, (Doc. 6), which is perfectly clear. He denied Plaintiff's application for a preliminary injunction due to her failure to show irreparable harm. He reached no conclusions about whether or not Plaintiff would ever be able to prove her case. Further, the middle (full) paragraph on page two of his Order does not adopt or agree with Plaintiff's

allegations, but rather simply recites them. Judge Briccetti did not rule on the adequacy of Plaintiff's pleading.

If Plaintiff files an Amended Complaint on or before September 16, 2014, Defendant may move to dismiss on or before October 23, 2014. Plaintiff may oppose on or before November 13, 2014, and Defendants may reply on or before December 4, 2014.

SO ORDERED.

Dated: August 29, 2014
White Plains, New York



CATHY SEIBEL, U.S.D.J.